

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF OHIO

WESTERN DIVISION

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ESTATE OF ROGER D. :  
OWENSBY JR., et al., :  
 :  
Plaintiffs, :  
vs. : Case No. 01-CV-769  
 : (Judge S. A. Spiegel)  
CITY OF CINCINNATI, :  
et al., :  
 :  
Defendants. :  
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Deposition of SUZANNE A. FLOTTEMESCH,

witness herein, called by the plaintiff for  
cross-examination, pursuant to the Federal Rules of  
Civil Procedure, taken before me, Wendy Davies  
Welsh, a Registered Diplomate Reporter and Notary  
Public in and for the State of Ohio, at the offices  
of Helmer, Martins & Morgan Co. LPA, 1900 Fourth &  
Walnut Centre, 105 East Fourth Street, Cincinnati,  
Ohio, on Friday, December 19, 2003, at 1:57 a.m.



<p>1 APPEARANCES:</p> <p>2 On behalf of the Plaintiffs:</p> <p>3 Paul B. Martins, Esq. Don Stiens, Esq. 4 Helmer, Martins &amp; Morgan Co. LPA Suite 1900, Fourth &amp; Walnut Centre 5 105 East Fourth Street Cincinnati, Ohio 45202 6 Phone: (513) 421-2400</p> <p>7 On behalf of the Defendants City of Golf Manor, Stephen Tilley, Roby Heiland and Chris 8 Campbell:</p> <p>9 Lynne Marie Longtin, Esq. Rendigs, Fry, Kiely &amp; Dennis 10 900 Fourth &amp; Vine Tower One West Fourth Street 11 Cincinnati, Ohio 45202-3688 Phone: (513) 381-9200</p> <p>12 On behalf of Defendants City of Cincinnati, 13 Darren Sellers, Jason Hodge:</p> <p>14 Thomas Harris, Esq. 15 Department of Law Room 214, City Hall 16 801 Plum Street Cincinnati, Ohio 45202 17 Phone: (513) 352-3346</p> <p>18 ---</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>	<p>Page 2</p> <p>1 INDEX Page 4</p> <p>2 Examination by: Page</p> <p>3 Mr. Martins . . . . . 5</p> <p>4 ---</p> <p>5</p> <p>6 EXHIBITS</p> <p>7 Page</p> <p>8</p> <p>9 Plaintiff's Exhibit 115 . . . . . 5</p> <p>10 Plaintiff's Exhibit 116 . . . . . 11</p> <p>11 ---</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>
<p>1 STIPULATIONS</p> <p>2 It is stipulated by and among counsel for the</p> <p>3 respective parties that the deposition of SUZANNE A.</p> <p>4 FLOTTEMESCH, witness herein, called by the plaintiff</p> <p>5 for cross-examination, pursuant to the Federal Rules</p> <p>6 of Civil Procedure, may be taken at this time by the</p> <p>7 notary; that said deposition may be reduced to</p> <p>8 writing in stenotype by the notary, whose notes may</p> <p>9 then be transcribed out of the presence of the</p> <p>10 witness; and that proof of the official character</p> <p>11 and qualifications of the notary is expressly</p> <p>12 waived.</p> <p>13 ---</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>	<p>Page 3</p> <p>1</p> <p>2 SUZANNE A. FLOTTEMESCH</p> <p>3 being by me first duly cautioned and sworn, deposes</p> <p>4 and says as follows:</p> <p>5 CROSS-EXAMINATION</p> <p>6 BY MR. MARTINS:</p> <p>7 Q. Ma'am, would you state for the record your</p> <p>8 full name, please.</p> <p>9 A. Suzanne A. Flottemesch.</p> <p>10 (Plaintiff's Exhibit</p> <p>11 115 was marked for</p> <p>12 identification.)</p> <p>13 Q. Let me show you what has been marked as</p> <p>14 Exhibit 115. This is a copy of a subpoena that you</p> <p>15 were served with, correct?</p> <p>16 A. Correct.</p> <p>17 Q. Have you ever had your deposition taken</p> <p>18 before?</p> <p>19 A. I've given a deposition before.</p> <p>20 Q. You have? Okay. Was it in connection</p> <p>21 with being a nurse or was it in a personal matter?</p> <p>22 A. It was with being a nurse.</p> <p>23 Q. So you know some of what goes on in a</p> <p>24 deposition?</p> <p>A. Not really. It was very informal. It was</p>

Page 6

1 at a hospital before. So this is nothing like it.  
2 Q. Let me just cover the basic ground rules.  
3 You've been placed under oath by the court reporter.  
4 I'm going to ask you questions. The other attorneys  
5 representing other parties may ask you questions.  
6 It's up to them.  
7 If I should ask you a question that either  
8 you don't hear or you don't understand, ask me to  
9 clarify and I'll do my best. From time to time I  
10 may show you documents. They will be marked with  
11 the exhibit sticker and I'll refer to them by the  
12 exhibit sticker. When I hand you a document, if you  
13 could look it over. Once you've had a chance to  
14 look it over signal me in some fashion, just look up  
15 at me, and I'll know you're ready and I'll ask you  
16 whatever questions I have.  
17 Are you under any physical or mental  
18 impairment that would cause you not to understand  
19 and answer questions?  
20 A. No.  
21 Q. The other rule is, because the court  
22 reporter is taking down what's said, try to avoid  
23 answering questions with either a nod of the head or  
24 uh-huh or huh-uh, things like that.

Page 7

1 A. All right.  
2 Q. Good. What is your current job?  
3 A. I am a registered nurse.  
4 Q. Where do you work?  
5 A. I work at University Hospital and I also  
6 work through a nursing agency.  
7 Q. At University Hospital do you work in the  
8 emergency room?  
9 A. Yes, I do.  
10 Q. How long have you worked at University  
11 Hospital?  
12 A. Off and on since 1991.  
13 Q. I want to ask you if you know any of the  
14 police officers involved in this case. And I'm  
15 going to give you some names. If you know them,  
16 just say so. Officer Robert Jorg?  
17 A. No.  
18 Q. Or Blaine Jorg?  
19 A. No.  
20 Q. Patrick Caton?  
21 A. No.  
22 Q. David Hunter?  
23 A. No.  
24 Q. Jason Hodge?

Page 8

1 A. No.  
2 Q. David Sellers?  
3 A. No.  
4 Q. In the course of your duties as an  
5 emergency room nurse at UC, from time to time do you  
6 have contact with police officers?  
7 A. If they bring patients in. That's the  
8 only contact.  
9 Q. Do you know any police officers?  
10 A. Not outside of work. I mean -- do I know  
11 them to see them? I don't understand.  
12 Q. Sure. Just in the course of working at  
13 the emergency room and having contact every once in  
14 a while with police officers, do you know any police  
15 officers by name?  
16 A. No.  
17 Q. I want to direct your attention to the  
18 events of the evening of November 7, 2000. Today,  
19 when you came in I provided you with a copy of a  
20 statement that I believe you gave back on  
21 November 29th of 2000. You've had chance to look  
22 over that statement?  
23 A. I reviewed it, yes.  
24 Q. Prior to me handing you the statement

Page 9

1 about, oh, half-hour or 45 minutes ago, had you seen  
2 that statement since you gave it?  
3 A. I've never seen this statement.  
4 Q. You recall giving the statement to the  
5 police officers, but you've never seen it typed up?  
6 A. Correct.  
7 Q. To your knowledge, did you give any other  
8 statements besides that one?  
9 A. No.  
10 Q. On the evening of November 7, 2000, start  
11 with what you recall happening when Mr. Owensby was  
12 brought into the emergency room.  
13 A. I recall just what this statement said.  
14 As far as details, I don't remember any other  
15 details of the night.  
16 Q. Do you recall who the doctor or doctors  
17 were that worked on Mr. Owensby that night or tried  
18 to resuscitate him?  
19 A. We have -- it's pretty standard, as far as  
20 who takes care of the patient. We have residents in  
21 the emergency department. The R-3 is in charge of  
22 the patient management. The R-2, which is a second  
23 year resident, is in charge of maintaining the  
24 airway or doing any procedures. I can't say I



Page 10

Page 12

1 remember who the R-2 and R-3 were that night.  
2 There's also always an attending physician, and I  
3 don't remember who it was.

4 Q. Do you recall what was done in the efforts  
5 to resuscitate Mr. Owensby?

6 A. I really -- this was three years ago, so I  
7 really -- I remember he was under full arrest when  
8 he came in, and he had been given -- he had been  
9 given what we do the first round of drugs, I think,  
10 by the paramedics. I don't remember what we did,  
11 specifically.

12 Q. Do you recall what part you played in this  
13 resuscitation process?

14 A. My role was to place a patient on the  
15 monitor, to give any further drugs that we would be  
16 ordered by the physician. If I remember right, we  
17 reintubated the patient. I think there was a  
18 question of his airway, so I believe we reintubated  
19 the patient. So I would just be in charge of making  
20 sure all the proper equipment was there.

21 Q. Just for the record, let me just mark  
22 this, the statement that you looked at just before  
23 this deposition. I'll hand you, it's Exhibit 116.  
24 If you'll just verify that that's the statement, the

1 physician that it could be in the wrong place. I  
2 don't recall what that was.

3 Q. You don't recall whether there was ever  
4 any determination whether it was, in fact, in the  
5 wrong place?

6 A. I don't remember.

7 Q. Do you know how long the emergency room  
8 staff attempted to resuscitate Mr. Owensby?

9 A. I don't remember.

10 Q. Then at some point he was pronounced dead.

11 A. (Nodding head.)

12 Q. Do you know who pronounced him?

13 A. That would have been the R-3, should have  
14 been the one to pronounce him.

15 Q. You don't remember the name of the doctor?

16 A. I don't remember who that was.

17 Q. No? When Mr. Owensby was pronounced dead  
18 do you recall whether or not he had his clothes on,  
19 the clothes that he came into the emergency room  
20 with?

21 A. My statement says that we cut his clothes  
22 off.

23 Q. As part of the resuscitation process?

24 A. Correct.

Page 11

Page 13

1 record of the statement that you gave to the police  
2 on November 29 of 2000.

(Plaintiff's Exhibit  
116 was marked for

4 identification.)

5 A. Yes, that's the statement.

6 Q. Would you explain to me what you mean by  
7 "reintubate."

8 A. When somebody's not breathing on their own  
9 there's a tube that goes down their throat. You  
10 insert it into the airway. It can either go in the  
11 stomach or it can go in the lungs. If there's a  
12 question, then the tube comes back out. It's an  
13 airway tube. I don't know how to describe it to  
14 you. We take it back out and the physician will  
15 reintubate, meaning place it in the correct place.

16 Q. Do you recall whether or not the tube that  
17 was in Mr. Owensby's throat when he was brought in  
18 was in the wrong place?

19 A. I don't recall. I don't recall.

20 Q. Just as a precautionary measure, the  
21 emergency room staff took it out and reintubated it?

22 A. There must have been something to indicate  
23 to us, either an oxygen measurement, the way the  
24 patient presented, there was something that told the

1 Q. Would that be all of the clothes or --

2 A. We cut clothes off so that we can assess  
3 the patient. I would have to say that we cut all of  
4 his clothes off. That's what we normally do.

5 Q. So that's the normal procedure?

6 A. The normal procedure is to cut all clothes  
7 off.

8 Q. You have no recollection of deviating from  
9 that normal procedure on that evening?

10 A. No.

11 Q. Do you know where the paramedics who  
12 brought Mr. Owensby into the emergency room were  
13 while you and the other staff members were  
14 conducting resuscitation efforts?

15 A. I have no idea where they were.

16 Q. After he was pronounced dead, where was  
17 the body kept? Did it remain in the room where the  
18 efforts had taken place?

19 A. The body remains in the room until it's  
20 prepared to go for visitation so the family can see

21 it. And by that, we usually take whatever is  
22 remaining on the patient, if the clothes were

23 underneath them, we would take them off the patient.

24 If there was any vomitus or blood or anything like

Page 14

1 that, we would clean the patient up and make it  
2 presentable to view.

3 Q. Did you have any contact with the family  
4 that evening?

5 A. No.

6 Q. Do you know of any other members of the  
7 staff, the emergency room staff, who had contact  
8 with the parents?

9 A. I wouldn't know that answer.

10 Q. Or the family?

11 A. I wouldn't know.

12 Q. Do you know a Cincinnati paramedic by the  
13 name of Craig Coburn, C-O-B-U-R-N?

14 A. No, I do not.

15 Q. Do you know a male nurse by the name of  
16 Mike McNamara?

17 A. Yes, I do.

18 Q. What does Mr. McNamara do at UC?

19 A. He's a registered nurse.

20 Q. Do you know whether or not Mr. McNamara  
21 was involved as part of the staff on the evening of  
22 November 7th?

23 A. He was in the room with me.

24 Q. What role, if any, did Mr. McNamara play

Page 15

1 in the resuscitation efforts?

2 A. I believe he was just the charter. The  
3 charter, we usually have one person that will chart  
4 for us, because you don't have time to record what's  
5 going on and, obviously, do the things required.

6 Q. Do you know if Mr. McNamara assisted in  
7 removing any of the clothes from Mr. Owensby?

8 A. I don't remember.

9 Q. Do you recall the names of any other  
10 people who were involved, besides Mr. McNamara,  
11 involved in the resuscitation effort of Mr. Owensby?

12 A. No, I don't.

13 Q. I'm not just limiting it to doctors. Any  
14 staff or --

15 A. I know there probably had to be other  
16 people in the room, but I couldn't tell you who it  
17 was.

18 Q. What's the procedure? When there's a  
19 death such as this, before the family views the  
20 body, is there some sort of social worker or person  
21 who talks to the family first to prepare them?

22 A. The social worker is always involved.

23 That's their main job. They take the family when  
24 they get to the emergency room and they will take

Page 16

1 them to a quiet place. They will explain the best  
2 they can what is happening to their family member  
3 until the doctor can come and talk to them. So  
4 they're pretty much in charge all the time of taking  
5 care of the family.

6 Q. I see. Do you know who the social worker  
7 was?

8 A. I'm sorry, I don't remember.

9 Q. Do you happen to know who the social  
10 worker or social workers were back in November of  
11 2000?

12 A. If I saw their faces, but I could not put  
13 names.

14 Q. So you don't remember names right now?

15 A. I don't remember names, no.

16 Q. Once Mr. Owensby was pronounced, do you  
17 know whether or not anyone stayed with the body?

18 A. "Anyone" meaning?

19 Q. Any UC staff person.

20 A. Do you mean just stayed with the body,  
21 to --

22 Q. Yes.

23 A. No, I don't -- I don't remember anybody  
24 specifically staying. I think it was pretty quick,

Page 17

1 as far as getting the body ready for the family to  
2 view and taking the patient to the viewing area.

3 Q. Is the viewing area a separate room from  
4 the area where the resuscitation effort takes place?

5 A. Yes, it is.

6 Q. Describe for me what the viewing area is.

7 A. At that time it was just a small room  
8 adjacent to the trauma rooms where he was  
9 resuscitated.

10 Q. I want to review your statement with you,  
11 Exhibit 116. You'll notice on each page there is a  
12 typewritten number starting with C on the pages.

13 A. Okay.

14 Q. Those are referred to as Bates numbers.  
15 So I may direct you to a page by referring to that.  
16 In this case it would be C 1594.

17 A. Okay.

18 Q. On that page, about halfway down the page  
19 there is an answer that you gave that says, "Uh, the  
20 patient was brought into the Emergency Department,  
21 he was in cardiac arrest at the time. . . at that  
22 time we basically continued the resuscitation. . . I  
23 was part of taking his clothes off and, during the  
24 resuscitation, and emptying his pocket during that



Page 18

1 time."

2 When you say you were part of taking his  
3 clothes off, were others involved in taking his  
4 clothes off?

5 A. Sometimes what we'll do is one person's on  
6 one side of the bed and another person is on the  
7 other side. What we'll do is one person will go up  
8 one side cutting their clothes off. The other  
9 person on the other side doing the same thing  
10 simultaneously, and then we take the clothes off  
11 together.

12 Q. Do you recall who the other person would  
13 have been?

14 A. I don't remember.

15 Q. If we go further down, about four lines  
16 down there's a question that says, "when you went  
17 through his... belongings, tell me about that.  
18 You went through his pants pockets. Is that  
19 correct?"

20 And your answer is, "We went through his  
21 pants pockets."

22 Do you know who the "we" refers to?

23 A. It definitely indicates two people, but I  
24 could not tell you who the "we" is.

Page 19

1 Q. At this time, when this is happening that  
2 we've just covered, do you know whether or not there  
3 were police officers present?

4 A. At that particular moment? I wouldn't be  
5 able to tell you.

6 Q. While the resuscitation effort was  
7 ongoing, do you know if police officers were  
8 present?

9 A. I don't know.

10 Q. Your statement then continues. You say,  
11 "Um, I remember he had money with him and I had an  
12 empty bag, empty plastic baggie, a baggie that  
13 appeared to have marijuana in it, and a baggie that  
14 had some white substance in it."

15 Do you recall these baggies?

16 A. Do I recall them?

17 Q. Yes.

18 A. I remember taking things -- I remember  
19 taking them out of his pocket.

20 Q. That was going to be my question. Did you  
21 personally take them from his pocket or did the  
22 other person involved in removing his clothes take  
23 them from his pocket?

24 A. The statement says I did. I must have

Page 20

1 taken them then from his pocket. This was three  
2 years ago. I would say yes.

3 Q. Do you have any recollection of a police  
4 officer handing you these baggies and asking you in  
5 turn to hand them to a police officer?

6 A. No.

7 Q. You then describe the baggies on page 2  
8 going over to page 3, 1594, 1595, "white substance  
9 in a separate bag," and then the question is, "how  
10 many of those were there?"

11 And you said, "I believe there was two of  
12 them."

13 "Two smaller baggies?"

14 "Two smaller baggies."

15 "...were they inside the big baggie? Do  
16 you remember?"

17 You say, "No, they were not."

18 "They were separate from that?"

19 "Yes."

20 "Were they inside the baggie with the  
21 marijuana?"

22 "No."

23 "...so they were separate from that?"

24 "Answer: Yes."

Page 21

1 Do you recall anything else about the  
2 baggies beyond what's said here?

3 A. No.

4 Q. As far as describing them?

5 A. No.

6 Q. When you removed the baggies, I presume  
7 you have gloves on?

8 A. Correct.

9 Q. In fact, I guess everybody in the  
10 emergency room would have gloves on?

11 A. Yes.

12 Q. The question is then, "he was not wearing  
13 his pants at the time? Do you remember, is he...  
14 still wearing the pants when you recovered this  
15 property or had they been removed from him?"

16 And you said, "We had cut them off."

17 So that's the procedure you just described  
18 where you and another person on the other side of  
19 the table cut the pants off; is that right?

20 A. Correct.

21 Q. Then on the next page, page 4, which has a  
22 Bates number of 1596, you talk about there being a  
23 "gray writing cabinet." Would you describe that for  
24 me a little bit more.

Page 22

1 A. It's a metal cabinet that, the height  
2 is -- that's where we keep our charts. And it has a  
3 writing desk area, and then it has a place on top of  
4 it, like a -- I don't know what you call it, a  
5 stand. And there's shelves in the stand that we put  
6 different items in, and then the top of the cabinet,  
7 we put a lot of things up there.  
8 Q. How tall is this cabinet?  
9 A. Well, you stand and write on it, so it's a  
10 fairly tall cabinet.  
11 Q. We have a cart over there on the side that  
12 has some drinks on it. About that size?  
13 A. Yeah, it's about that size, yes.  
14 Q. This is in the room where the  
15 resuscitation effort took place, right?  
16 A. Correct.  
17 Q. This would not be in the viewing room?  
18 A. No.  
19 Q. So they were placed on the cabinet. That  
20 would be the clothes as well as the property found  
21 in the clothes?  
22 A. Property is usually placed on the cabinet.  
23 Clothes are usually put inside a bag.  
24 Q. A plastic bag?

Page 23

1 A. A plastic bag.  
2 Q. Was the plastic bag with the clothes put  
3 on the cabinet?  
4 A. I don't remember. I would say it would be  
5 too big to put on the cabinet, but I don't remember.  
6 Q. But do you remember that the property, the  
7 money and the baggies were put on the cabinet?  
8 A. Smaller items are put on the cabinet.  
9 Q. After they were put on the cabinet then,  
10 did you remain with the items?  
11 A. I was in the room and I continued working  
12 with whatever we were doing with the patient.  
13 Q. During the resuscitation effort?  
14 A. Correct.  
15 Q. Once he was pronounced, did you remain in  
16 the room?  
17 A. I was in the room, yes.  
18 Q. After he was pronounced?  
19 A. To get him ready to go to the viewing  
20 room.  
21 Q. So you prepared him for the viewing?  
22 A. No.  
23 Q. Did you take his body to the viewing room?  
24 A. No.

Page 24

1 Q. Who would have done that?  
2 A. Most likely would have been one of the  
3 technicians, the medical assistants.  
4 Q. When he is taken to the viewing room is he  
5 just covered with a sheet?  
6 A. Correct.  
7 Q. After he was taken out of the room and  
8 placed in the viewing room, where were you?  
9 A. After he was taken I -- I would have  
10 stayed in the room to clean up the room.  
11 Q. This would be the resuscitation room?  
12 A. Right.  
13 Q. Did you remain in the presence of the  
14 property that was on the cabinet until someone else  
15 came to take the property?  
16 A. My statement says that I did, yes.  
17 Q. Where does it say that?  
18 A. It says -- I don't know what page it was.  
19 It asked about the police taking the things that I  
20 found.  
21 Q. If you look at page 4, the middle of the  
22 page, there's a question that says, "After you put  
23 those on this, this cabinet. . . did those ever  
24 leave your view?"

Page 25

1 And you say, "At that point when we leave  
2 it on the cabinet we either call our security to  
3 come and lock things like that up or we um leave it  
4 there until we can lock valuables up with  
5 registration so they set on the cabinet until  
6 somebody came to recover those."  
7 Then the question is, who came to recover?  
8 And my question is: Do you recall whether  
9 or not you remained with the items until some  
10 Cincinnati police officers came to recover the  
11 items?  
12 A. I don't remember.  
13 Q. In any event, three police officers came.  
14 One was a black, male, uniformed officer, one was  
15 an, I guess, white, female, plainclothes officer and  
16 one was a white, male, plainclothes officer; is that  
17 right?  
18 A. That's what I said, yes.  
19 Q. Do you have any independent recollection  
20 of these three officers?  
21 A. I can vaguely picture them.  
22 Q. How did you know that the plainclothes  
23 people were officers?  
24 A. I believe they introduced themselves as



Owensby, et al. vs. City of Cincinnati, et al.  
December 19, 2003

SUZANNE A. FLOTTEMESCH

Page 26

1 police officers.  
2 Q. Who among those three actually took  
3 physical custody of the items, the property on the  
4 cabinet?  
5 A. I wouldn't be able to tell you that. I  
6 don't know.  
7 Q. After Mr. Owensby was pronounced, do you  
8 know whether or not he was moved, cleaned up and  
9 moved into the viewing room quickly in time, or was  
10 there some point of time where he remained in the  
11 resuscitation room?  
12 A. We do everything pretty quickly there,  
13 because we never know when something else is going  
14 to come in. So I would have to say that, I couldn't  
15 tell you a certain amount of time, but if I remember  
16 correctly, it was pretty much he was pronounced, he  
17 was cleaned up, he was taken to the viewing room.  
18 Q. Did you ever go into the viewing room?  
19 A. I never went in there.  
20 Q. Do you know whether or not any of the  
21 paramedics were in the viewing room?  
22 A. I don't know.  
23 Q. If I understand your statement correctly,  
24 the officers didn't arrive until he had already been

Page 27

1 pronounced; is that right?  
2 A. That's correct.  
3 Q. I want to show you a photograph that's  
4 previously been admitted. I don't have copies for  
5 everybody. It's, for identification, Exhibit 100.  
6 If you know, is that a photograph of the property  
7 removed from Mr. Owensby?  
8 A. I have no idea.  
9 Q. You can't recall whether or not that  
10 was --  
11 A. If that's exactly what it looked like?  
12 Q. Yes.  
13 A. No. I couldn't say specifically that this  
14 picture is Mr. Owensby's possessions.  
15 Q. Okay. Earlier this week, I'll make this  
16 representation to you subject to any objection  
17 counsel may have, but earlier this week we took a  
18 deposition of a paramedic. And the paramedic said  
19 that after Mr. Owensby was pronounced he remained in  
20 a room with the body doing some paperwork that he  
21 needed to fill out. And that in the course of  
22 sitting there doing the paperwork a plainclothes  
23 police officer entered the room to go through Mr.  
24 Owensby's pockets and remove his clothes. Can you

Page 28

1 shed any light on how I can reconcile what the  
2 paramedic said and what you have in the statement  
3 and what we've talked about here today?  
4 A. I can tell you what I said is the truth.  
5 And I can tell you that what he says doesn't really  
6 follow our standard procedure of how we do things.  
7 Q. Is there any way that there would be some  
8 clothing put back on Mr. Owensby after the  
9 resuscitation effort?  
10 A. No.  
11 Q. You don't have any recollection of that?  
12 A. No. Why would you?  
13 Q. I don't know. That's why I'm asking the  
14 questions. Do you know who entered the viewing room  
15 to see the body once it was moved in there?  
16 A. Once the body left the resuscitation  
17 rooms, I have no idea about anything.  
18 Q. To your knowledge, is there any record  
19 kept of who goes in and out of the room?  
20 A. There wouldn't be.  
21 Q. When the police officers picked up the  
22 property off of the cabinet, did they have you sign  
23 anything?  
24 A. No, they didn't.

Page 29

1 MR. MARTINS: Thank you very much. I have  
2 no further questions.  
3 MS. LONGTIN: I have nothing.  
4 MR. HARRIS: No questions. Thank you for  
5 your time.  
6 MR. MARTINS: Thank you, ma'am. We're  
7 done.

SUZANNE A. FLOTTEMESCH

(Deposition concluded at 2:31 p.m.)

Owensby, et al. vs. City of Cincinnati, et al.  
December 19, 2003

SUZANNE A. FLOTTEMESCH

Page 30

## CERTIFICATE

1 STATE OF OHIO :  
2 SS:  
3 COUNTY OF HAMILTON :  
4 I, Wendy Davies Welsh, a duly qualified and  
5 commissioned notary public in and for the State of  
6 Ohio, do hereby certify that prior to the giving  
7 of her deposition, the within named SUZANNE A.  
8 FLOTTEMESCH was by me first duly sworn to testify  
9 the truth; that the foregoing pages constitute a  
10 true and correct transcript of testimony given at  
11 said time and place by said deponent; that said  
12 deposition was taken by me in stenotypy and  
13 transcribed under my supervision; that I am neither  
14 a relative of nor attorney for any of the parties to  
15 this litigation, nor relative of nor employee of any  
16 of their counsel; and have no interest whatsoever in  
17 the result of this litigation. I further certify  
18 that I am not, nor is the court reporting firm with  
19 which I am affiliated, under a contract as defined  
20 in Civil Rule 28 (D).  
21 IN WITNESS WHEREOF, I hereunto set my hand and  
22 official seal of office, at Cincinnati, Ohio, this  
23 5th day of January, 2004.  
24 MY COMMISSION EXPIRES: WENDY L. WELSH, RDR-CRR  
NOVEMBER 20, 2005. NOTARY PUBLIC, STATE OF OHIO

Page 31

1 January 5, 2004  
2 Ms. SUZANNE A. FLOTTEMESCH  
3 10859 Ponds Lane  
4 Cincinnati, Ohio 45242  
5  
6 In re: Case No. 01-CV-769, ESTATE OF ROGER  
7 D. OWENSBY JR., et al., vs. CITY OF CINCINNATI, et  
8 al.,  
9 Dear Ms. SUZANNE A. FLOTTEMESCH,  
10 Your deposition has been completely transcribed and  
11 is hereby submitted to you for your review pursuant  
12 to the applicable Federal Rules of Civil Procedure.  
13 The above-mentioned rule allows you to make any  
14 changes in form or substance which you desire to  
15 make, which will then be attached to the record with  
16 the reason(s), if any, for making them. Your depo-  
17 sition must be reviewed, and signature and errata  
18 sheets signed and returned to our office within  
19 thirty (30) days.  
20 Your time limitation requires that your signature  
21 page and any corrections you wish to make be  
22 returned to me at my office on or before  
23 , 2003. Please call the phone number  
24 below if you have any questions regarding this  
procedure.  
Sincerely,  
Wendy Davies Welsh, RDR-CRR  
c: Paul B. Martins, Esq.  
Don Stiens, Esq.  
Lynne Marie Longtin, Esq.  
Geri Hernandez Geiler, Esq. 121903WW



Owensby, et al. vs. City of Cincinnati, et al.  
December 19, 2003

& - Esq  
SUZANNE A. FLOTTEMESCH

-&-	513 [3] 2:6,11,17 5th [1] 30:22	baggie [5] 19:12,12,13 20:15,20	clean [2] 14:1 24:10	definitely [1] 18:23
& [6] 1:17,17 2:4,4,9,10		baggies [8] 19:15 20:4,7 20:13,14 21:2,6 23:7	cleaned [2] 26:8,17	Dennis [1] 2:9
-.-	7 [2] 8:18 9:10	basic [1] 6:2	clothes [20] 12:18,19,21 13:1,2,4,6,22 15:7 17:23 18:3,4,8,10 19:22 22:20 22:21,23 23:2 27:24	department [3] 2:15 9:21 17:20
were [1] 20:15	7th [1] 14:22	Bates [2] 17:14 21:22	clothing [1] 28:8	depo [1] 31:10
-0-		bed [1] 18:6	Co [2] 1:17 2:4	deponent [1] 30:11
01-CV-769 [2] 1:6 31:4		behalf [3] 2:2,7,12	Coburn [1] 14:13	deposes [1] 5:3
-1-		belongings [1] 18:17	COMMISSION [1] 30:23	deposition [12] 1:11 3:3 3:7 5:16,18,23 10:23 27:18 29:14 30:7,12 31:7
100 [1] 27:5	801 [1] 2:16	below [1] 31:15	commissioned [1] 30:5	describe [4] 11:13 17:6 20:7 21:23
105 [2] 1:18 2:5		best [2] 6:9 16:1	completely [1] 31:7	described [1] 21:17
10859 [1] 31:2	900 [1] 2:10	beyond [1] 21:2	concluded [1] 29:14	describing [1] 21:4
11 [1] 4:9		big [2] 20:15 23:5	conducting [1] 13:14	desire [1] 31:9
115 [3] 4:9 5:10,13		bit [1] 21:24	connection [1] 5:19	desk [1] 22:3
116 [4] 4:9 10:23 11:3 17:11		black [1] 25:14	constitute [1] 30:9	details [2] 9:14,15
121903WW [1] 31:19		Blaine [1] 7:18	contact [5] 8:6,8,13 14:3 14:7	determination [1] 12:4
1594 [2] 17:16 20:8	a.m. [1] 1:19	blood [1] 13:24	continued [2] 17:22 23:11	deviating [1] 13:8
1595 [1] 20:8	able [2] 19:5 26:5	body [10] 13:17,19 15:20 16:17,20 17:1 23:23 27:20 28:15,16	continues [1] 19:10	different [1] 22:6
1596 [1] 21:22	above-mentioned [1] 31:9	breathing [1] 11:8	contract [1] 30:19	Diplomate [1] 1:15
19 [1] 1:19	adjacent [1] 17:8	bring [1] 8:7	copies [1] 27:4	direct [2] 8:17 17:15
1900 [2] 1:17 2:4	admitted [1] 27:4	brought [4] 9:12 11:17 13:12 17:20	copy [2] 5:13 8:19	DISTRICT [2] 1:1,2
1991 [1] 7:12	affiliated [1] 30:19		correct [13] 5:14,15 9:6 11:15 12:24 18:19 21:8 21:20 22:16 23:14 24:6 27:2 30:10	DIVISION [1] 1:3
1:57 [1] 1:19	agency [1] 7:6		corrections [1] 31:13	doctor [3] 9:16 12:15 16:3
-2-	ago [3] 9:1 10:6 20:2	-C-	correctly [2] 26:16,23	doctors [2] 9:16 15:13
2 [1] 20:7	airway [4] 9:24 10:18 11:10,13	C [5] 17:12,16 30:1,1 31:18	counsel [3] 3:2 27:17 30:16	document [1] 6:12
20 [1] 30:24	al [4] 1:5,8 31:4,5	C-O-B-U-R-N [1] 14:13	COUNTY [1] 30:3	documents [1] 6:10
2000 [5] 8:18,21 9:10 11:2 16:11	allows [1] 31:9	cabinet [18] 21:23 22:1,6 22:8,10,19,22 23:3,5,7,8 23:9 24:14,23 25:2,5 26:4 28:22	course [3] 8:4,12 27:21	doesn't [1] 28:5
2003 [2] 1:19 31:14	always [1] 10:2 15:22	Campbell [1] 2:8	court [4] 1:1 6:3,21 30:18	Don [2] 2:3 31:18
2004 [2] 30:22 31:1	among [2] 3:2 26:2	cardiac [1] 17:21	cover [1] 6:2	done [3] 10:4 24:1 29:7
2005 [1] 30:24	amount [1] 26:15	care [2] 9:20 16:5	covered [2] 19:2 24:5	down [5] 6:22 11:9 17:18 18:15,16
214 [1] 2:15	answer [5] 6:19 14:9 17:19 18:20 20:24	cart [1] 22:11	Craig [1] 14:13	drinks [1] 22:12
28 [1] 30:20	answering [1] 6:23	case [4] 1:6 7:14 17:16 31:4	cross-examination [3] 1:13 3:5 5:5	drugs [2] 10:9,15
29 [1] 11:2	APPEARANCES [1] 2:1	Caton [1] 7:20	current [1] 7:2	duly [3] 5:3 30:4,8
29th [1] 8:21	appeared [1] 19:13	cautioned [1] 5:3	custody [1] 26:3	during [3] 17:23,24 23:13
2:31 [1] 29:14	applicable [1] 31:8	Centre [2] 1:18 2:4	cut [6] 12:21 13:2,3,6 21:16,19	duties [1] 8:4
-3-	area [5] 17:2,3,4,6 22:3	certain [1] 26:15	cutting [1] 18:8	
3 [1] 20:8	arrest [2] 10:7 17:21	certify [2] 30:6,17		-E-
30 [1] 31:12	arrive [1] 26:24	chance [2] 6:13 8:21		E [4] 4:1,6 30:1,1
352-3346 [1] 2:17	assess [1] 13:2	changes [1] 31:9		East [2] 1:18 2:5
381-9200 [1] 2:11	assistants [1] 24:3	character [1] 3:10		effort [6] 15:11 17:4 19:6 22:15 23:13 28:9
-4-	assisted [1] 15:6	charge [4] 9:21,23 10:19 16:4		efforts [4] 10:4 13:14,18 15:1
4 [2] 21:21 24:21	attached [1] 31:10	chart [1] 15:3	-D-	either [5] 6:7,23 11:10,23 25:2
421-2400 [1] 2:6	attempted [1] 12:8	charter [2] 15:2,3	D [4] 1:4 4:1 30:20 31:4	emergency [13] 7:8 8:5 8:13 9:12,21 11:21 12:7 12:19 13:12 14:7 15:24 17:20 21:10
45 [1] 9:1	attending [1] 10:2	charts [1] 22:2	Darren [1] 2:13	employee [1] 30:15
45202 [2] 2:5,16	attention [1] 8:17	Chris [1] 2:7	David [2] 7:22 8:2	empty [2] 19:12,12
45202-3688 [1] 2:11	attorney [1] 30:14	Cincinnati [11] 1:7,18 2:5,11,12,16 14:12 25:10 30:21 31:3,4	Davies [3] 1:14 30:4 31:17	emptying [1] 17:24
45242 [1] 31:3	attorneys [1] 6:4	City [5] 1:7 2:7,12,15 31:4	days [1] 31:12	entered [2] 27:23 28:14
-5-	avoid [1] 6:22	Civil [4] 1:14 3:6 30:20 31:8	dead [3] 12:10,17 13:16	equipment [1] 10:20
5 [3] 4:3,9 31:1		clarify [1] 6:9	Dear [1] 31:6	errata [1] 31:11
			death [1] 15:19	Esq [8] 2:3,3,9,14 31:18 31:18,19,19
			December [1] 1:19	
			Defendants [3] 1:9 2:7 2:12	
			defined [1] 30:19	



Owensby, et al. vs. City of Cincinnati, et al.  
December 19, 2003

ESTATE - Plaintiffs  
SUZANNE A. FLOTTEMESCH

ESTATE [2] 1:4 31:4 et [4] 1:5,8 31:4,4 evening [5] 8:18 9:10 13:9 14:4,21 event [1] 25:13 events [1] 8:18 everybody [2] 21:9 27:5 exactly [1] 27:11 Examination [1] 4:2 exhibit [10] 4:9,9 5:10 5:13 6:11,12 10:23 11:3 17:11 27:5 EXPIRES [1] 30:23 explain [2] 11:6 16:1 expressly [1] 3:11	<b>-H-</b> H [1] 4:6 half-hour [1] 9:1 halfway [1] 17:18 Hall [1] 2:15 HAMILTON [1] 30:3 hand [4] 6:12 10:23 20:5 30:21 handing [2] 8:24 20:4 happening [3] 9:11 16:2 19:1 Harris [2] 2:14 29:4 head [2] 6:23 12:11 hear [1] 6:8 height [1] 22:1 Heiland [1] 2:7 Helmer [2] 1:17 2:4 hereby [2] 30:6 31:7 herein [2] 1:12 3:4 hereunto [1] 30:21 Hernandez [1] 31:19 Hodge [2] 2:13 7:24 hospital [4] 6:1 7:5,7,11 huh-uh [1] 6:24 Hunter [1] 7:22	<b>-L-</b> L [2] 3:1 30:23 Lane [1] 31:2 Law [1] 2:15 leave [3] 24:24 25:1,3 left [1] 28:16 light [1] 28:1 likely [1] 24:2 limitation [1] 31:13 limiting [1] 15:13 lines [1] 18:15 litigation [2] 30:15,17 lock [2] 25:3,4 Longtin [3] 2:9 29:3 31:19 look [5] 6:13,14,14 8:21 24:21 looked [2] 10:22 27:11 LPA [2] 1:17 2:4 lungs [1] 11:11 Lynne [2] 2:9 31:19	Most [1] 24:2 moved [3] 26:8,9 28:15 Ms [3] 29:3 31:2,6 must [3] 11:22 19:24 31:11	<b>-N-</b> N [2] 3:1 4:1 name [5] 5:8 8:15 12:15 14:13,15 named [1] 30:7 names [5] 7:15 15:9 16:13,14,15 needed [1] 27:21 neither [1] 30:13 never [4] 9:3,5 26:13,19 next [1] 21:21 night [3] 9:15,17 10:1 nod [1] 6:23 nor [4] 30:14,15,15,18 normal [3] 13:5,6,9 normally [1] 13:4 notary [6] 1:15 3:7,8,11 30:5,24 notes [1] 3:8 nothing [2] 6:1 29:3 notice [1] 17:11 November [7] 8:18,21 9:10 11:2 14:22 16:10 30:24 now [1] 16:14 number [3] 17:12 21:22 31:14 numbers [1] 17:14 nurse [6] 5:20,21 7:3 8:5 14:15,19 nursing [1] 7:6	ongoing [1] 19:7 ordered [1] 10:16 outside [1] 8:10 Owensby [15] 1:5 9:1,9 9:17 10:5 12:8,17 13:12 15:7,11 16:16 26:7 27:7 27:19 28:8 31:4 Owensby's [3] 11:17 27:14,24 own [1] 11:8 oxygen [1] 11:23
<b>-F-</b> F [1] 30:1 faces [1] 16:12 fact [2] 12:4 21:9 fairly [1] 22:10 family [9] 13:20 14:3,10 15:19,21,23 16:2,5 17:1 far [4] 9:14,19 17:1 21:4 fashion [1] 6:14 Federal [3] 1:13 3:5 31:8 female [1] 25:15 fill [1] 27:21 firm [1] 30:18 first [4] 5:3 10:9 15:21 30:8 Flottemesch [8] 1:11 3:4 5:2,9 29:11 30:8 31:2 31:6 follow [1] 28:6 follows [1] 5:4 foregoing [1] 30:9 form [1] 31:9 found [2] 22:20 24:20 four [1] 18:15 Fourth [6] 1:17,18 2:4,5 2:10,10 Friday [1] 1:19 Fry [1] 2:9 full [2] 5:8 10:7	<b>-I-</b> idea [3] 13:15 27:8 28:17 identification [3] 5:11 11:4 27:5 impairment [1] 6:18 independent [1] 25:19 indicate [1] 11:22 indicates [1] 18:23 informal [1] 5:24 insert [1] 11:10 inside [3] 20:15,20 22:23 interest [1] 30:16 introduced [1] 25:24 involved [7] 7:14 14:21 15:10,11,22 18:3 19:22 items [6] 22:6 23:8,10 25:9,11 26:3	<b>-M-</b> ma'am [2] 5:7 29:6 main [1] 15:23 maintaining [1] 9:23 male [3] 14:15 25:14,16 management [1] 9:22 Manor [1] 2:7 Marie [2] 2:9 31:19 marijuana [2] 19:13 20:21 mark [1] 10:21 marked [4] 5:10,12 6:10 11:3 Martins [8] 1:17 2:3,4 4:3 5:6 29:1,6 31:18 matter [1] 5:20 may [7] 3:6,7,8 6:5,10 17:15 27:17 McNamara [6] 14:16,18 14:20,24 15:6,10 mean [3] 8:10 11:6 16:20 meaning [2] 11:15 16:18 measure [1] 11:20 measurement [1] 11:23 medical [1] 24:3 member [1] 16:2 members [2] 13:13 14:6 mental [1] 6:17 metal [1] 22:1 middle [1] 24:21 Mike [1] 14:16 minutes [1] 9:1 moment [1] 19:4 money [2] 19:11 23:7 monitor [1] 10:15 Morgan [2] 1:17 2:4	<b>-O-</b> O [1] 3:1 oath [1] 6:3 objection [1] 27:16 obviously [1] 15:5 off [14] 7:12 12:22 13:2,4 13:7,23 17:23 18:3,4,8,10 21:16,19 28:22 office [3] 30:21 31:11,14 officer [7] 7:16 20:4,5 25:14,15,16 27:23 officers [15] 7:14 8:6,9 8:14,15 9:5 19:3,7 25:10 25:13,20,23 26:1,24 28:21 offices [1] 1:16 official [2] 3:10 30:21 Ohio [11] 1:2,16,19 2:5 2:11,16 30:2,6,21,24 31:3 once [6] 6:13 8:13 16:16 23:15 28:15,16 one [12] 2:10 9:8 12:14 15:3 18:5,6,7,8 24:2 25:14 25:14,16	<b>-P-</b> P [1] 3:1 p.m. [1] 29:14 page [14] 4:2,7 17:11,15 17:18,18 20:7,8 21:21,21 24:18,21,22 31:13 pages [2] 17:12 30:9 pants [3] 18:18,21 21:13 21:14,19 paperwork [2] 27:20,22 paramedic [4] 14:12 27:18,18 28:2 paramedics [3] 10:10 13:11 26:21 parents [1] 14:8 part [5] 10:12 12:23 14:21 17:23 18:2 particular [1] 19:4 parties [3] 3:3 6:5 30:1 patient [13] 9:20,22 10:14 10:17,19 11:24 13:3,22 13:23 14:1 17:2,20 23:12 patients [1] 8:7 Patrick [1] 7:20 Paul [2] 2:3 31:18 people [4] 15:10,16 18:23 25:23 person [9] 15:3,20 16:19 18:6,7,9,12 19:22 21:18 person's [1] 18:5 personal [1] 5:20 personally [1] 19:21 phone [4] 2:6,11,17 31:14 photograph [2] 27:3,6 physical [2] 6:17 26:3 physician [4] 10:2,16 11:14 12:1 picked [1] 28:21 picture [2] 25:21 27:14 place [12] 10:14 11:15,15 11:18 12:1,5 13:18 16:1 17:4 22:3,15 30:11 placed [4] 6:3 22:19,22 24:8 plainclothes [4] 25:15 25:16,22 27:22 plaintiff [2] 1:12 3:4 Plaintiff's [4] 4:9,9 5:10 11:3 Plaintiffs [2] 1:6 2:2	

Owensby, et al. vs. City of Cincinnati, et al.  
December 19, 2003

SUZANNE A. plastic - waived  
FLOTTEMESCH

plastic [4] 19:12 22:24 23:1,2

play [1] 14:24

played [1] 10:12

Plum [1] 2:16

pocket [5] 17:24 19:19 19:21,23 20:1

pockets [3] 18:18,21 27:24

point [3] 12:10 25:1 26:10

police [17] 7:14 8:6,9,14 8:14 9:5 11:1 19:3,7 20:3 20:5 24:19 25:10,13 26:1 27:23 28:21

Ponds [1] 31:2

possessions [1] 27:14

precautionary [1] 11:20

prepare [1] 15:21

prepared [2] 13:20 23:21

presence [2] 3:9 24:13

present [2] 19:3,8

presentable [1] 14:2

presented [1] 11:24

presume [1] 21:6

pretty [5] 9:19 16:4,24 26:12,16

previously [1] 27:4

procedure [10] 1:14 3:6 13:5,6,9 15:18 21:17 28:6 31:8,15

procedures [1] 9:24

process [2] 10:13 12:23

pronounce [1] 12:14

pronounced [1] 12:10 12:12,17 13:16 16:16 23:15,18 26:7,16 27:1,19

proof [1] 3:10

proper [1] 10:20

property [9] 21:15 22:20 22:22 23:6 24:14,15 26:3 27:6 28:22

provided [1] 8:19

public [3] 1:16 30:5,24

pursuant [3] 1:13 3:5 31:7

put [11] 16:12 22:5,7,23 23:2,5,7,8,9 24:22 28:8

-Q-

qualifications [1] 3:11

qualified [1] 30:4

questions [9] 6:4,5,16 6:19,23 28:14 29:2,4 31:15

quick [1] 16:24

quickly [2] 26:9,12

quiet [1] 16:1

-R-

R [1] 30:1

R-2 [2] 9:22 10:1

R-3 [3] 9:21 10:1 12:13

RDR-CRR [2] 30:23 31:17

re [1] 31:4

ready [3] 6:15 17:1 23:19

really [4] 5:24 10:6,7 28:5

reason [1] 31:10

recollection [4] 13:8 20:3 25:19 28:11

reconcile [1] 28:1

record [6] 5:7 10:21 11:1 15:4 28:18 31:10

recover [3] 25:6,7,10

recovered [1] 21:14

reduced [1] 3:7

refer [1] 6:11

referred [1] 17:14

referring [1] 17:15

refers [1] 18:22

regarding [1] 31:15

registered [3] 1:15 7:3 14:19

registration [1] 25:5

reintubate [2] 11:7,15

reintubated [3] 10:17 10:18 11:21

relative [2] 30:14,15

remain [4] 13:17 23:10 23:15 24:13

remained [3] 25:9 26:10 27:19

remaining [1] 13:22

remains [1] 13:19

remember [26] 9:14 10:1 10:3,7,10,16 12:6,9,15,16 15:8 16:8,14,15,23 18:14 19:11,18,18 20:16 21:13 23:4,5,6 25:12 26:15

remove [1] 27:24

removed [3] 21:6,15 27:7

removing [2] 15:7 19:22

Rendigs [1] 2:9

reporter [3] 1:15 6:3,22

reporting [1] 30:18

representation [1] 27:16

representing [1] 6:5

required [1] 15:5

requires [1] 31:13

resident [1] 9:23

residents [1] 9:20

respective [1] 3:3

result [1] 30:17

resuscitate [3] 9:18 10:5 12:8

resuscitated [1] 17:9

resuscitation [15] 10:13 12:23 13:14 15:1,11 17:4 17:22,24 19:6 22:15 23:13 24:11 26:11 28:9,16

returned [2] 31:11,14

review [2] 17:10 31:7

reviewed [2] 8:23 31:11

right [8] 7:1 10:16 16:14 21:19 22:15 24:12 25:17 27:1

Robert [1] 7:16

Roby [1] 2:7

ROGER [2] 1:4 31:4

role [2] 10:14 14:24

room [40] 2:15 7:8 8:5,13 9:12 11:21 12:7,19 13:12 13:17,19 14:7,23 15:16 15:24 17:3,7 21:10 22:14 22:17 23:11,16,17,20,23 24:4,7,8,10,10,11 26:9,11 26:17,18,21 27:20,23 28:14,19

rooms [2] 17:8 28:17

round [1] 10:9

rule [3] 6:21 30:20 31:9

rules [4] 1:13 3:5 6:2 31:8

-S-

s [5] 1:7 3:1,1 4:6 31:10

saw [1] 16:12

says [9] 5:4 12:21 17:19 18:16 19:24 24:16,18,22 28:5

seal [1] 30:21

second [1] 9:22

security [1] 25:2

see [4] 8:11 13:20 16:6 28:15

Sellers [2] 2:13 8:2

separate [4] 17:3 20:9 20:18,23

served [1] 5:14

set [2] 25:5 30:21

shed [1] 28:1

sheet [1] 24:5

sheets [1] 31:11

shelves [1] 22:5

show [3] 5:12 6:10 27:3

side [6] 18:6,7,8,9 21:18 22:11

sign [1] 28:22

signal [1] 6:14

signature [2] 31:11,13

signed [1] 31:11

simultaneously [1] 18:10

Sincerely [1] 31:16

sition [1] 31:11

sitting [1] 27:22

size [2] 22:12,13

small [1] 17:7

smaller [3] 20:13,14 23:8

social [5] 15:20,22 16:6 16:9,10

someone [1] 24:14

Sometimes [1] 18:5

sorry [1] 16:8

sort [1] 15:20

SOUTHERN [1] 1:2

specifically [3] 10:11 16:24 27:13

Spiegel [1] 1:7

SS [1] 30:2

staff [8] 11:21 12:8 13:13 14:7,7,21 15:14 16:19

stand [3] 22:5,5,9

standard [2] 9:19 28:6

start [1] 9:10

starting [1] 17:12

state [5] 1:16 5:7 30:2,5 30:24

statement [18] 8:20,22 8:24 9:2,3,4,13 10:22,24 11:1,5 12:21 17:10 19:10 19:24 24:16 26:23 28:2

statements [1] 9:8

STATES [1] 1:1

stayed [3] 16:17,20 24:10

staying [1] 16:24

stenotype [1] 3:8

stenotypy [1] 30:12

Stephen [1] 2:7

sticker [2] 6:11,12

Stiens [2] 2:3 31:18

still [1] 21:14

stipulated [1] 3:2

stomach [1] 11:11

Street [4] 1:18 2:5,10,16

subject [1] 27:16

submitted [1] 31:7

subpoena [1] 5:13

substance [3] 19:14 20:8 31:9

such [1] 15:19

Suite [1] 2:4

supervision [1] 30:13

Suzanne [8] 1:11 3:3 5:2 5:9 29:11 30:7 31:2,6

sworn [2] 5:3 30:8

-T-

T [5] 3:1,1 4:6 30:1,1

table [1] 21:19

takes [2] 9:20 17:4

taking [9] 6:22 16:4 17:2 17:23 18:2,3 19:18,19 24:19

talks [1] 15:21

tall [2] 22:8,10

technicians [1] 24:3

testify [1] 30:8

testimony [1] 30:10

Thank [3] 29:1,4,6

themselves [1] 25:24

thirty [1] 31:12

Thomas [1] 2:14

three [5] 10:6 20:1 25:13 25:20 26:2

throat [2] 11:9,17

through [5] 7:6 18:17,18 18:20 27:23

Tilley [1] 2:7

today [2] 8:18 28:3

together [1] 18:11

too [1] 23:5

took [4] 11:21 22:15 26:2 27:17

top [2] 22:3,6

Tower [1] 2:10

transcribed [3] 3:9 30:13 31:7

transcript [1] 30:10

trauma [1] 17:8

tried [1] 9:17

true [1] 30:10

truth [2] 28:4 30:9

try [1] 6:22

tube [4] 11:9,12,13,16

turn [1] 20:5

two [4] 18:23 20:11,13,14

typed [1] 9:5

typewritten [1] 17:12

-U-

U [1] 3:1

UC [3] 8:5 14:18 16:19

under [5] 6:3,17 10:7 30:13,19

underneath [1] 13:23

understand [4] 6:8,18 8:11 26:23

uniformed [1] 25:14

UNITED [1] 1:1

University [3] 7:5,7,10

up [12] 6:6,14 9:5 14:1 18:7 22:7 24:10 25:3,4 26:8,17 28:21

usually [4] 13:21 15:3 22:22,23

-V-

vaguely [1] 25:21

valuables [1] 25:4

verify [1] 10:24

view [3] 14:2 17:2 24:24

viewing [14] 17:2,3,6 22:17 23:19,21,23 24:4,8 26:9,17,18,21 28:14

views [1] 15:19

Vine [1] 2:10

visitation [1] 13:20

vomitus [1] 13:24

vs [2] 1:6 31:4

-W-

waived [1] 3:12



Owensby, et al. vs. City of Cincinnati, et al.  
December 19, 2003

Walnut - years  
SUZANNE A. FLOTTEMESCH

Walnut [2] 1:18 2:4  
wearing [2] 21:12,14  
week [2] 27:15,17  
Welsh [4] 1:15 30:4,23  
31:17  
Wendy [4] 1:14 30:4,23  
31:17  
West [1] 2:10  
WESTERN [1] 1:3  
whatsoever [1] 30:16  
WHEREOF [1] 30:21  
white [4] 19:14 20:8  
25:15,16  
wish [1] 31:13  
within [2] 30:7 31:11  
witness [4] 1:12 3:4,10  
30:21  
worked [2] 7:10 9:17  
worker [4] 15:20,22 16:6  
16:10  
workers [1] 16:10  
write [1] 22:9  
writing [3] 3:8 21:23  
22:3  
wrong [3] 11:18 12:1,5

-X-

X [2] 4:1,6

-Y-

year [1] 9:23  
years [2] 10:6 20:2



00 PI 04

POLICE INTERVENTION OF ROGER OWENSBY, JR.

STATEMENT OF

SUE FLOTTEMESCH, R.N.

Code to persons speaking in statement:

Q: Detective James Engelhardt  
Homicide Unit  
Cincinnati Police Division  
824 Broadway Street

QQ: Detective James Zieverink  
Homicide Unit  
Cincinnati Police Division  
824 Broadway Street

A: Sue Flottesmesch, R.N.  
Emergency Room  
University Hospital

(Note: Inaudible portions of statement indicated by dashes)

Q: Today's date is November the 29<sup>th</sup>, the year 2000. The time is approximately 1520 hours. This is Detective Jim Engelhardt and Detective Jim Zieverink, both of the Cincinnati Police Homicide Unit. This statement and interview is being taken in reference to case number 00 PI 4, the death in custody of Roger D. Owensby. Uh, that incident occurred on November the 7<sup>th</sup> of this year at approximately 1945 hours at 2098 Seymour Avenue. This interview is being taken from, first of all this interview is being taken at University Hospital Emergency Room, um in a small ah viewing area off the Emergency Room. This interview is being taken from Sue Flottenmesch.

A: Flottesmesch.

Q: Okay, was there, how many of those were there?

A: I believe there was two of them.

Q: Two smaller baggies?

A: Two smaller baggies.

Q: Okay. Now were they inside the big baggie? Do you remember?

A: No, they were not.

Q: Okay. They were separate from that.

A: Yes.

Q: Were they inside the baggie with the marijuana?

A: No.

Q: Okay. So they were separate from that?

A: Yes.

Q: Okay. Now, and I know this has been awhile ago and things were crazy that night here. Do you remember which pants pocket you took those from?

A: I believe I took them from, it would be his right. I don't remember if it was front or back, but it was on his right side.

Q: Okay. And he was not wearing his pants at the time? Do you remember is he was still wearing the pants when you recovered this property or had they been removed from him?

A: We had cut them off.

Q: Okay. Um now what, once you found this uh these items, what did you do with them?

A: I took the items then I put them on top of, we have a gray writing cabinet that we do our notes on. I put them on top of the cabinet.

Q: Okay, and uh besides the items that you described, was there anything else that was on that

A: Um, I

Q: cabinet?

A: On the cabinet?

Q: I mean anything else from him.

A: Not that I recall.

Q: Okay. Um and then after you put those on this, this cabinet, uh did those ever leave your view?

A: At that point when we leave it on the cabinet we either call our security to come and lock things like that up or we um leave it there until we can lock valuables up with registration so they set on the cabinet until somebody came to recover those.

Q: Okay, and do you remember who recovered them?

A: Um, I believe three officers from the Cincinnati Police came in and they were going to take the, those things that I found.

Q: Okay, who did you first point those out to? Was it a uniformed officer or a

A: It was a uniformed officer, yes.

Q: a male or female?

A: Male.

Q: Male uniformed. White or black?

A: Black.



Q: Okay, you don't by any chance remember the name do you?

A: No, I don't.

Q: Okay. So it was a black male officer that you pointed those out to

A: Correct

Q: and in uniform.

A: Correct

Q: And did that officer touch those items at any time do you remember?

A: I don't remember.

Q: Okay. Um, do you remember whoever anybody else you talked to about those items?

A: Um, there was a lady. She was in plain clothes. And then there was another man with her and I don't remember a good description of him.

Q: Okay. Was he white or black?

A: Um, I want to say white but I'm

Q: uniformed or plain clothes?

A: not sure. Plain clothes.

Q: Okay. When I say plain clothes, suit and tie or old clothes? Like an undercover officer.

A: It was more like an undercover from what I remember.

Q: Okay. If I, if I said a name would you remember it?

A: No.

Q: Okay. Um, but the, the female and the male then took possession of these items as best as you can remember?

A: As best as I can remember.

Q: And do you remember what happened to them after that? If you remember.

A: No.

Q: Okay. So just, just in review, you re, you find these items in his pants pocket

A: Correct

Q: after his pants have been cut off?

A: Correct

Q: You take those items, you place them on a cabinet

A: Correct

Q: and uh, did you call the, who did you call those items a, attention to those items?

The, the Cincinnati officers? Were they here?

A: They came at some point after the patient was pronounced um. Usually we call our security and we leave them out until our security can get there but I believe the Cincinnati Police got there before our security had a chance to do that.

Q: Okay. Was Mr. Owensby already pronounced by the time the uh, the Cincinnati officers got here?

A: Yes he was.

Q: Okay. Um, and then those items, uh the plain clothes officer, a male white, took possession of those?

A: I can't say I remember who, who exactly picked them up

Q: But one of those?

A: because I was busy

Q: Sure

A: taking care of the patient and getting -----

Q: But nobody else from the hospital touched those or handled those?

A: No they didn't.

Q: Okay. When you put them on there, that's where they remained until the police took custody?

A: Correct

Q: Okay. Um, do you have anything?

QQ: How long from the time that you placed them on the cabinet until the uh, the officers came in and took possession?

Q: Just roughly.

A: Roughly, I would say between maybe fifteen and twenty minutes.

QQ: Okay.

Q: Anything else? Okay, Sue that's pretty much the uh, what we're going to conclude with this statement. Is there anything that we didn't ask you about that night or those items that you think might be important that we didn't cover?

A: Not that I can think of.

Q: Okay. That being the case, that's going to conclude the interview uh and the time now is approximately 1525 hours.

Transcribed by: Nancy Toepfert  
Youth Services Section  
Cincinnati Police Division  
November 29, 2000